

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 24-cv—23132-JB/Torres

LUIGI CRUZ,

Plaintiff,

v.

MIAMI-DADE COUNTY,  
*et al.*,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION**

**THIS CAUSE** is before the Court on United States Magistrate Judge Edwin G. Torres’s Report and Recommendation (“Report”) on Defendants’, Miami-Dade County, Eddie Hall, Travis Donaldson, and Santiago Alonso, Motion to Dismiss, ECF No. [38]. In the Report, Judge Torres recommends that the Court grant in part and deny in part the Motion to Dismiss. ECF No. [48]. Specifically, Judge Torres recommends that the Motion to Dismiss granted with respect to Counts III, VI, VII, and VIII of the Second Amended Complaint, and these claims be dismissed without prejudice. *Id.* Judge Torres further recommends that the Motion to Dismiss be otherwise denied. *Id.* No objections to the Report have been filed, and the time to do so has passed.

After careful consideration of the Report, the Motion, the record, and the applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. The Report, ECF No. [48], is **AFFIRMED** and **ADOPTED**.

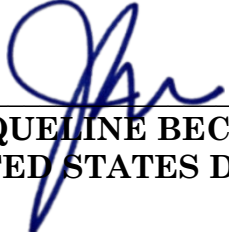
2. Defendants' Motion to Dismiss, ECF No. [38], is **GRANTED IN PART AND DENIED IN PART**.

3. The following claims in the Second Amended Complaint are **DISMISSED WITHOUT PREJUDICE**:

- a. Count III (failure to protect),
- b. Count VI (negligent retention),
- c. Count VII (negligent training), and
- d. Count VIII (*Monell* liability).

4. If Plaintiff intends to file a third amended complaint to correct the deficiencies identified in the Report, he must do so by **May 28, 2025**.

**DONE AND ORDERED** in Miami, Florida, this 16th day of May, 2025.

  
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**JACQUELINE BECERRA**  
**UNITED STATES DISTRICT JUDGE**